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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/577,408	04/25/2006	Francesco Cilurzo	207,565	1408
7590	05/02/2011		EXAMINER	
Jay S. Cinamon Abelman, Frayne & Schwab 666 Third Avenue 10th Floor New York, NY 10017			SUTTON, DARRYL C	
		ART UNIT	PAPER NUMBER	
		1612		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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Jay S. Cinamon  
Abelman, Frayne & Schwab  
666 Third Avenue  
10th Floor  
New York NY 10017

In re Application of:  
Cilurzo, et al. : PETITION DECISION  
Serial No.: 10/577,408 :  
Filed: April 25, 2006 :  
Attorney Docket No.: **207,565**

This is in response to the petition under 37 CFR § 1.181, filed April 15, 2011, requesting relief from the finality of the Office action mailed October 22, 2010 because it is premature.

Applicants' arguments have been accorded careful consideration but they are not persuasive for the following reasons. The petition was untimely and therefore the merits of such won't be considered. Applicants should note that 37 CFR 1.181(f) indicates that any petition not filed within two months of the mailing date of the action from which relief is requested may be dismissed as untimely. If the applicant wants consideration after the two months they should file a petition, and corresponding petition fee for such, under 37 CFR 1.183 and ask for a suspension of the Rule 181 and ask that consideration be made later than the 2 months.

Accordingly, the petition filed under 37 CFR 1.181 is **DISMISSED** as untimely.

Furthermore, since an RCE was filed, this petition is **DISMISSED** as moot.

Should there be any questions about this decision please contact Marianne C. Seidel, by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile sent to the general Office facsimile number, 571-273-8300.

  
Jacqueline Stone  
Director, Technology Center 1600